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U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 3, 2020

By ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

Re: *United States v. Ernest Washington and Duane Daniels, 20 CR 69 (GHW)*

Dear Judge Woods,

The Government writes on behalf of the parties to request respectfully an adjournment of the conference scheduled for September 9, 2020. Earlier in the summer, the defendants requested, with the Government's consent, an adjournment of approximately three months because their counsel required additional time in which to access and review discovery provided to date and to discuss meaningfully with their clients whether there were any pretrial motions to bring, discussions which counsel believed at that time, as now, may best occur with the resumption of in-person legal visits at the Metropolitan Correctional Center ("MCC"). In the interim, as the parties and the Court are all aware, such in-person legal visits have not resumed at the MCC; however, the parties are optimistic that they may resume within the next month. Given these circumstances and because within the past month the Government has also received additional discovery relating to DNA and including data extracted from a cellphone seized from the defendants, which discovery counsel to the defendants now possess, the parties request a further adjournment to a date and time of convenience to the Court during the week of Monday, October 12, 2020 or thereafter, at which time the parties can propose a motion schedule and in turn a trial date for the consideration of the Court. Finally, with the defendants' consent, the Government requests respectfully that the Court exclude time under the Speedy Trial Act from September 9, 2020, through the date of any adjournment pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the public and the defendants in a speedy trial are outweighed here by the interests of the defendants in having the further time that they require to access and review discovery with counsel and to determine whether to bring any pretrial motions and consider further

the possibility of any pre-trial disposition amidst the circumstances of the persisting national emergency.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

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cc: Avraham Moskowitz (Counsel to Defendant Ernest Washington) (by ECF)
Steven Lynch (Counsel to Defendant Duane Daniels) (by ECF)

Application granted. The status conference scheduled for September 9, 2020 is adjourned to October 14, 2020 at 4:00 p.m. The Court will issue a separate order excluding time under the Speedy Trial Act.

SO ORDERED.

Dated: September 4, 2020

Gregory H. Woods
GREGORY H. WOODS
United States District Judge